

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP
2 Charles K. Verhoeven (Bar No. 170151)
3 charlesverhoeven@quinnemanuel.com
4 Melissa Baily (Bar No. 237649)
5 melissabaily@quinnemanuel.com
6 James Judah (Bar No. 257112)
7 jamesjudah@quinnemanuel.com
8 Lindsay Cooper (Bar No. 287125)
9 lindsaycooper@quinnemanuel.com
10 50 California Street, 22nd Floor
11 San Francisco, California 94111-4788
12 Telephone: (415) 875-6600
13 Facsimile: (415) 875-6700

14 Marc Kaplan (*pro hac vice*)
15 marckaplan@quinnemanuel.com
16 191 N. Wacker Drive, Ste 2700
17 Chicago, Illinois 60606
18 Telephone: (312) 705-7400
19 Facsimile: (312) 705-7401

20 *Attorneys for GOOGLE LLC*

21 UNITED STATES DISTRICT COURT
22
23 NORTHERN DISTRICT OF CALIFORNIA
24
25 SAN FRANCISCO DIVISION

26 GOOGLE LLC,
27 Plaintiff,
28
vs.
29 SONOS, INC.,
30 Defendant.

31 CASE NO. 3:20-cv-06754-WHA
32 Related to CASE NO. 3:21-cv-07559

33 **DECLARATION OF MARC KAPLAN IN
34 SUPPORT OF GOOGLE LLC'S
35 OPPOSITION TO SONOS'S MOTION TO
36 STRIKE PORTIONS OF GOOGLE'S
37 NONINFRINGEMENT AND
38 INVALIDITY EXPERT REPORTS**

1 I, Marc Kaplan, declare and state as follows:

2 1. I am an attorney licensed to practice in the State of Illinois and have been admitted *pro*
3 *hac vice* in this matter. I am a partner at Quinn Emanuel Urquhart & Sullivan LLC representing
4 Google LLC (“Google”) in this matter. I make this declaration in support of Google’s Opposition to
5 Sonos, Inc.’s (“Sonos”) Motion to Strike Portions of Google’s Noninfringement and Invalidity Expert
6 Reports (“Opposition”). If called as a witness, I could and would testify competently to the
7 information contained herein.

8 2. Google served its Patent Local Rule 3-3 invalidity contentions on December 6, 2021.
9 Sonos exchanged communications with Google regarding Google’s invalidity contentions throughout
10 at least March 2022, yet never moved for relief based on any alleged deficiencies.

11 3. Google served Sonos with a production by Bose on September 30, 2021.

12 4. Attached as Exhibit 1 is a true and correct copy of excerpts of the Rebuttal Expert
13 Report of Dan Schonfeld, Ph.D. dated January 13, 2023.

14 5. Attached as Exhibit 2 is a true and correct copy of excerpts of Sonos’s Corrected
15 Supplemental Responses and Objections to Google’s First Set of Interrogatories [1-20] and
16 Attachment A to Sonos’s Corrected Supplemental Responses and Objections to Google’s First Set of
17 Interrogatories [1-20] dated November 30, 2022.

18 6. Attached as Exhibit 3 is a true and correct copy of excerpts of the Opening Report of
19 Douglas C. Schmidt dated November 30, 2022.

20 7. Attached as Exhibit 4 is a true and correct copy of excerpts of Appendix 2 of the
21 Opening Report of Douglas C. Schmidt dated November 30, 2022.

22 8. Attached as Exhibit 5 is a true and correct copy of excerpts of the Opening Expert
23 Report of Samrat Bhattacharjee Regarding Invalidity of U.S. Patent Nos. 10,799,033 and 9,967,615
24 and Other Issues dated November 30, 2022.

25 9. Attached as Exhibit 6 is a true and correct copy of Google’s Bose Lifestyle 50 System
26 Invalidity Claim Chart for U.S. Patent No. 10,848,885 from its December 6, 2021 invalidity
27 contentions.

1 10. Attached as Exhibit 7 is a true and correct copy of Google's Bose Lifestyle 50 System
2 Invalidity Claim Chart for U.S. Patent No. 10,469,966 from its December 6, 2021 invalidity
3 contentions.

4 11. Attached as Exhibit 8 is a true and correct copy of excerpts of the transcript from the
5 April 21, 2022 deposition of David Nicholson.

6 12. Attached as Exhibit 9 is a true and correct copy of excerpts of the Rebuttal Expert
7 Report of Douglas C. Schmidt dated January 13, 2023.

8 13. Attached as Exhibit 10 is a true and correct copy of a document entitled "The Queue"
9 bearing starting bates number GOOG-SONOSWDTX-00039798.

10 14. Attached as Exhibit 11 is a true and correct copy of excerpts of the Opening Report of
11 Dr. Dan Schonfeld Regarding Claim 1 of U.S. Patent No. 10,848,885 dated June 22, 2022.

12 15. Attached as Exhibit 12 is a true and correct copy of excerpts of transcript from Dr. Dan
13 Schonfeld's August 31, 2022 deposition.

14 16. Attached as Exhibit 13 is a true and correct copy of excerpts of the transcript from Dr.
15 Dan Schonfeld's February 3, 2023 deposition.

16 17. Attached as Exhibit 14 is a true and correct copy of excerpts of the Opening Expert
17 Report of Dr. Dan Schonfeld Regarding U.S. Patent No. 10,848,885 and U.S. Patent No. 10,469,966
18 dated November 30, 2022.

19 18. Attached as Exhibit 15 is a true and correct copy of excerpts of the Rebuttal Expert
20 Report of Dr. Kevin C. Almeroth for "Patent Showdown" dated July 27, 2022.

21 19. Attached as Exhibit 16 is a true and correct copy of excerpts of the Rebuttal Expert
22 Report of Dr. Kevin C. Almeroth dated January 13, 2023.

23 20. Attached as Exhibit 17 is a true and correct copy of excerpts of Sonos's Objections
24 and Responses to Google's First Set of Interrogatories (1-20) dated September 7, 2021.

25 21. Attached at Exhibit 18 is a true and correct copy of excerpts of Google's First
26 Objections and Responses to Plaintiff Sonos, Inc.'s First Set of Fact Discovery Interrogatories dated
27 September 7, 2021.

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22. Attached as Exhibit 19 is a true and correct copy of excerpts of the Rebuttal Expert Report of Samrat Bhattacharjee Regarding Non-Infringement of U.S. Patent No. 10,779,033 and Other Issues dated January 13, 2023.

4 23. Attached as Exhibit 20 is a true and correct copy of excerpts of Google's Third
5 Supplemental Objections and Responses to Plaintiff Sonos, Inc.'s First Set of Fact Discovery
6 Interrogatories (No. 15) dated November 3, 2022.

7 24. Attached as Exhibit 21 is a true and correct copy of excerpts of the Rebuttal Expert
8 Report of Samrat Bhattacharjee Regarding Non-Infringement of Claim 13 of U.S. Patent No.
9 9,967,615 and Other Issues dated July 27, 2022.

10 25. Attached as Exhibit 22 is a true and correct copy of excerpts of the transcript from
11 Douglas Schmidt's February 2, 2023 deposition.

12 26. Attached as Exhibit 23 is a true and correct copy of excerpts of the Reply Expert
13 Report of Dr. Kevin C. Almeroth dated January 23, 2023.

14 27. Attached as Exhibit 24 is a true and correct copy of excerpts of Google's Eighth
15 Supplemental Objections and Responses to Plaintiff Sonos, Inc.'s First Set of Fact Discovery
16 Interrogatories (No. 18) dated November 21, 2022.

17 28. Attached as Exhibit 25 is a true and correct copy of a document titled “Streaming
18 Watch (Everywhere?)” bearing starting bates number GOOG-SONOSNDCA-00070863.

19 I declare under penalty of perjury that to the best of my knowledge the foregoing is true and
20 correct. Executed on February 10, 2023, in Chicago, Illinois.

22 | DATED: February 10, 2023

By: /s/ Marc Kaplan
Marc Kaplan

1 **ATTESTATION**

2 I, Charles K. Verhoeven, am the ECF user whose ID and password are being used to file the
3 above Declaration. In compliance with Civil L.R. 5-1(h)(3), I hereby attest that Marc Kaplan has
4 concurred in the aforementioned filing.

5 */s/ Charles K. Verhoeven*

6 Charles K. Verhoeven

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